

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Bail Appl..No. 48 of 2007()

CRMP.5589/2006 of I ADDL. SESSIONS COURT, KOLLAM
CRMP.10339/2006 of J.M.F.C.-III, PUNALUR
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: PETITIONERS/ACCUSED 1 & 2

1. VIJAYAKUMAR, S/O. JOHN WILLIAM,
RESIDING IN CHAMPULI AT AMMANKOVIL STREET,
HOUSE NO.52, CHENNAI.
2. SUBBAYA, S/O. PONNANDI,
BHAFATHIYAR STREET, HOUSE NO.5,
PUZHAVANTHANGAL VILLAGE, CHENNAI.

BY ADV. SRI.A.DINESH RAO

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION NO.48 OF 2007

DATED THIS THE 23rd DAY OF JANUARY, 2007

O R D E R

Petitioners who are accused 1 and 2 in Crime No.108/06 of Pathanapuram Excise Range for an offence punishable under section 55(a) of the Abkari Act for allegedly transporting 5445 litres of spirit on 22.11.2006 and who were arrested on the same day, seek their enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application, he fairly conceded that no final report has been filed even after 60 days of judicial custody of the petitioners. If so, by virtue of the proviso to section 167(2) Cr.P.C., the petitioners are entitled to bail as of right. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-III, Punalur and subject to the following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
2. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

3. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn